

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JULIO TOLEDO, JOSH C. HAYGOOD, RAFAEL VEGA,  
GREG MCCAIN, MARTIN SANTA, DAVID FRANCO, JUAN  
R. ESTRADA, KEVIN BELL, HOWARD LOCKWOOD,  
JASON E. LARRIER, TOMMIE O. HART, ANGEL PEREZ,  
PEDRO R. MENDEZ, LEONARD MATOS, JR., and  
HERMINIO RIVAS, JR.,

Plaintiffs,

V.

C.A. No. 04-30163-MAP

IBPO, LOCAL 364,

Defendant,

V.

SPRINGFIELD POLICE DEPARTMENT,

Defendant.

**PLAINTIFFS' INTERIM REPORT TO THE COURT  
IN RESPONSE TO DECEMBER 29, 2005 ORDER**

On January 12, 2006, counsel for the plaintiffs received an Order dated December 29, 2005 in which the Court invited a report regarding whether pending cross-motions for summary judgment in the case captioned *Kevin Sullivan, et al. v. City of Springfield*, C.A. No. 05-30004-MAP, “may affect the interests of the parties in the Toledo litigation.”

Counsel for the plaintiffs have not received service copies of motions and other filings in the Sullivan litigation. After receiving the Court's December 29, 2005 Order on January 12, counsel for the plaintiffs retrieved copies of the pending cross-motions for summary judgment from PACER. Counsel for the plaintiffs are in the process of reviewing these motions to determine how they may bear on the Toledo litigation and the pending motions to dismiss.

Counsel for the plaintiffs intend to discuss these motions with their clients this week.

Preliminarily, it appears that there is an overlap of issues to the extent that both cases arise from substantially the same set of facts (in particular the 2003 City of Springfield police department layoffs, the 2004 arbitrator ruling regarding seniority, and the subsequent rehiring) and under the Castro v. Beecher consent decree.

In addition, counsel for the plaintiffs is in the process of scheduling a meeting with counsel for the City of Springfield to discuss a possible resolution to the Toledo litigation. Counsel for the plaintiffs believes it may be prudent to convene a status conference of all parties in both the Toledo and Sullivan cases for sometime in mid to late February, after we have had sufficient opportunity to review the Sullivan litigation and explore settlement of the Toledo matter with the attorneys for the City of Springfield.

JULIO TOLEDO, JOSH C. HAYGOOD, RAFAEL VEGA, GREG MCCAIN, MARTIN SANTA, DAVID FRANCO, JUAN R. ESTRADA, KEVIN BELL, HOWARD LOCKWOOD, JASON E. LARRIER, TOMMIE O. HART, ANGEL PEREZ, PEDRO R. MENDEZ, LEONARD MATOS, JR., and HERMINIO RIVAS, JR.,

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Dated: January 17, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on the following attorneys of record for each party by first class mail and/or fax:

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Christopher R. Noyes